

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

U.S. COURTS

OCT 21 2004

REC'D FILED  
CAMERON S. BURKE  
CLERK IDAHO

*Alauston*

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

CARLOS VELASQUEZ-ORTEGA, )

Defendant. )

Case No. CR-04-136-S-BLW

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

The Court has before it a Report and Recommendation filed by the United States Magistrate Judge. (Docket No. 8). On July 26, 2004, Defendant Carlos Velasquez-Ortega appeared before the Magistrate Judge to enter a change of plea pursuant to a written plea agreement. The Magistrate Judge conducted the plea hearing and concluded there is a factual basis for Defendant's plea of guilty to Counts One and Two of the Information, and that it was entered voluntarily and with full knowledge of the consequences. No objections to the Report and Recommendation have been filed.

The Court now has reviewed the record, has reviewed the pre-sentence report, and finds that the requirements of Rule 11 have been met. *See United*

*States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003). Specifically, the Court finds that the Magistrate Judge adhered to the requirements of Rule 11(b); that under Rule 11(b)(2), the Defendant's plea was voluntary and not the result of force or threats or promises apart from the plea agreement; and that a factual basis for the plea exists. *See id.* Accordingly,

NOW THEREFORE IT IS HEREBY ORDERED that the Report and Recommendation (Docket No. 8) shall be, and the same is hereby, ADOPTED as the decision of the District Court and incorporated fully herein by reference.

IT IS FURTHER ORDERED that the Defendant's plea of guilty to Counts One and Two of the Information (Docket No. 1) shall be, and the same is hereby, ACCEPTED by the Court as a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense.

IT IS FURTHER ORDERED that Defendant Carlos Velasquez-Ortega is found to be GUILTY as to the crime charged in Counts One and Two of the Information (Docket No. 1).

DATED this 21st day of October, 2004.

  
B. LYNN WINMILL  
Chief Judge, United States District Court

United States District Court  
for the  
District of Idaho  
October 22, 2004

\* \* CLERK'S CERTIFICATE OF MAILING \* \*

Re: 1:04-cr-00136

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

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U.S. Marshal  
HAND DELIVERED

Probation  
HAND DELIVERED

✓  
\_\_\_\_ Chief Judge B. Lynn Winmill  
\_\_\_\_ Judge Edward J. Lodge  
\_\_\_\_ Chief Magistrate Judge Larry M. Boyle  
\_\_\_\_ Magistrate Judge Mikel H. Williams

Visiting Judges:  
\_\_\_\_ Judge David O. Carter  
\_\_\_\_ Judge John C. Coughenour  
\_\_\_\_ Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date: 10-22-04

BY: *AS*  
(Deputy Clerk)